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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,344	10/28/2003	Rudolf J. Hofmeister	15436.253.65.1	5607
22913	7590	08/27/2007		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER HOLLINGTON, JERMELE M	
			ART UNIT 2829	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/695,344

Applicant(s)

HOFMEISTER ET AL.

Examiner

Jermele M. Hollington

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06/28/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6, 37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Watt et al (6086412).

Regarding claim 1, Watt et al disclose [see Figs. 6-8] an assembly (connector 10B) [see **Note** below] comprising: a base (housing part 50) having a printed circuit board receptacle (not numbered but shown) configured to receive a printed circuit board (PCB 44) of an electrical component; and an arm (housing part 48) connected to the base (50), the arm (48) comprising a flexible circuit (flexible circuit 42) having a data input and a data output, and cable connectors (resilient structures 62) connected to a distal end of the flexible circuit (42) and configured to physically and electrically interface with respective cables, wherein the arm (48) is selectively positionable between an open [Fig. 6] and a closed [Fig. 8] position, wherein in the closed position [Fig. 8], the arm (48) forms a temporary electrical connection between at least one of: the data input and a transmit port of the electrical component (part of PCB 44), and the data output and a receive port of the electrical component (part of 44).

[**Note:** The recitation “for testing electrical components of optoelectronic devices before the electrical components are connected with the optical components of the optoelectronic device” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not

Art Unit: 2829

depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).]

Regarding claim 2, Watt et al disclose the arm (48) is pivotally connected to the base (50) [via hinge 56].

Regarding claim 3, Watt et al disclose the arm (48) further comprising at least one pressure fixture (spring loaded component 30) for applying pressure to the data input connection and data output connection of the flexible circuit (42) against the transmit port and receive port of the electrical component (part of 44), respectively, when the arm (48) is in the closed position [Fig. 8].

Regarding claims 4-5, Watt et al disclose the at least one pressure fixture (30) comprises a spring-loaded pin or a piece of foam.

Regarding claim 7, Watt et al disclose a first cable (conductor 42a) connected to the data input; and a second cable (conductor 42b) connected to the data output.

Regarding claims 8-9, Watt et al disclose the first and the second cables (42a and 42b) comprise coaxial cable and are the same cable (42).

Regarding claim 10, Watt et al disclose the flexible circuit (42) further a data transmit port (42a); and a data receive port (42b), wherein the data transmit port (42a) and the data receive port (42b) are configured to [see **Note** below] be electrically connected to a tester apparatus.

[**Note:** Claim limitations that employ phrases of the type “configured to” are typical of claim limitations, which may not distinguish over the prior art. It has been held that the recitation that an element is “configured to” perform a function is not a positive limitation but only requires the ability to so perform. See also MPEP 2111.04]

Regarding claim 11, Watt et al disclose when the arm (48) is in the closed position [Fig. 8], a temporary connection is formed between at least one of: the transmit port of the electronic component (44) and the data transmit port (42a) of the flexible circuit (42), and the receive port of the electronic component (44) and the data receive port (42b) of the flexible circuit (42).

Regarding claim 12, Watt et al disclose inherently a host computer configured to be placed in electrical connection with the printed circuit board (44) of the electrical component.

Regarding claim 13, Watt et al disclose the transmit port and receive port of the electrical component (44) are configured to [see Note below] be coupled to a transmitter optical assembly and a receiver optical assembly, respectively.

[**Note:** Claim limitations that employ phrases of the type “configured to” are typical of claim limitations, which may not distinguish over the prior art. It has been held that the recitation that an element is “configured to” perform a function is not a positive limitation but only requires the ability to so perform. See also MPEP 2111.04]

Regarding claim 14, Watt et al disclose a mechanical clamp (arms 52 and latch hooks 52a) for applying pressure to the data input connection (42a) and data output connection (42b) of the flexible circuit (42) against the transmit port and receive port of the electrical component (44), respectively, when the arm (48) is in the closed position [Fig. 8].

### ***Conclusion***

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.
4. Claims 6 and 37-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: regarding claim 6, the reason for allowability is due to an assembly comprising at least one magnet disposed thereon for assisting the arm in forming the temporary electrical connection between the flexible circuit and the electrical component.

6. Regarding claim 37, the reason for allowability is due to the flexible circuit comprises: a flexible dielectric substrate having a front side upon which the data input and the data output are positioned; and a ground conductor on a back side of the dielectric substrate.

Regarding claim 38, the reason for allowability is due to the flexible circuit comprises: a plurality of pads positioned at a second distal end of the flexible circuit configured to at least partially form the temporary electrical connection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

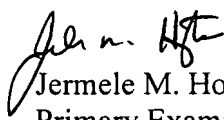
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2829

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermele M. Hollington whose telephone number is (571) 272-1960. The examiner can normally be reached on M-F (9:00-4:00 EST) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ha Nguyen can be reached on (571) 272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jermele M. Hollington  
Primary Examiner  
Art Unit 2829

JMH  
August 22, 2007